

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joaquin Foy,

Petitioner,

v.

No. 15-cv-1901 (JNE/LIB)
ORDER

U.S. Government, et al.,

Respondents.

Petitioner Joaquin Foy is civilly committed at the Federal Medical Center in Rochester, Minnesota under an order that was entered by the United States District Court for the Western District of Missouri and affirmed by the Eighth Circuit Court of Appeals. Here, he brings a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241, accompanied by an application to proceed in forma pauperis. This is the third substantially similar petition that Foy has brought in this District within the last year to challenge his ongoing commitment. *See Foy v. Jett et al.*, No. 14-cv-5063 (JNE/LIB); *Foy v. Jett et al.*, No. 14-cv-1518 (JNE/LIB).

In a Report and Recommendation that issued on April 14, 2015, the Magistrate Judge recommends that this action be summarily dismissed – as were the two petitions Foy previously filed in this District – because it is evident from the face of the petition that he is not entitled to relief.

Foy has subsequently filed a collection of documents under the heading of “Notice of Appeal – Exceptions – Objections.” This filing, however, contains no plausible objections to the Report and Recommendation. *See* D. Minn. L.R. 72.2(b)(1) (requiring “specific written objections” to a Report and Recommendation). In any event, the Court has conducted a de novo review of the record, and now adopts the Report and Recommendation.

In closing, the Court observes, as the Magistrate Judge did, that Foy is a serial filer in the Western District of Missouri. In fact, a Report and Recommendation that issued in the Western District of Missouri on the same day as the one here notes that Foy has filed “many, many petitions for writs of habeas corpus” in that court challenging the legality of his commitment. *See* Report and Recommendation at 3, *Foy v. Sanders*, No. 13-3462-CV-H-MDH (W.D. Mo. April 14, 2015), ECF No. 7. This Court has explained in dismissing both of the petitions that Foy previously filed in this District that it “finds no grounds, claims, allegations, or arguments” in his petitions “that have not already been rejected on their merits” by the Western District of Missouri, “and justice would not be served by considering them again here.” Order at 3, *Foy v. Jett et al.*, No. 14-cv-1518 (JNE/LIB), ECF No. 8 (D. Minn. June 26, 2014). *Accord* Order at 2, *Foy v. Jett et al.*, No. 14-cv-5063 (JNE/LIB), ECF No. 6 (D. Minn. Feb. 3, 2015).

This remains the case. Foy is therefore cautioned that, if he continues to file similar petitions or complaints, the Court will consider barring him from filing any new pro se actions in this District relating to his civil commitment without pre-authorization from a judge.

Based on the files, records, and proceedings herein, and for the reasons discussed above,
IT IS ORDERED THAT:

1. Petitioner’s Petition for a Writ of Habeas Corpus [ECF No. 1] is DENIED.
2. Petitioner’s Application to Proceed In Forma Pauperis [ECF No. 2] is DENIED.
3. This action is SUMMARILY DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 7, 2014

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge